



## **Advancing a Sustainable Global Timber Trade through the EU FLEGT Action Plan**

**Malaysia – 2<sup>nd</sup> FLEGT VPA Stakeholder  
Consultation in Sabah on Sabah TLAS.  
14-15 January 2013**



# **2<sup>nd</sup> Sabah FLEGT Stakeholder Consultation Meeting Report**

**January 14<sup>th</sup>-15<sup>th</sup>, 2013**

By

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Advancing a legal and sustainable global timber trade through the EU FLEGT  
action plan.

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## **Abbreviation**

CoC	Chain of Custody
EFI	European Forest Institute
EU	European Union
EUTR	European Union Timber Regulation
FAO	Food and Agriculture Organization
FLEGT	Forest Law Enforcement Governance and Trade
JEM	Joint Evaluation Meeting
KDCA	Kadazandusun Cultural Association Sabah
NIOSH	National Institute of Occupation Safety & Health
PROTEM	Pro Tempore
SFD	Sabah Forestry Department
SFMLA	Sustainable Forest Management License Agreement
STIA	Sabah Timber Industry Association
TOR	Terms of Reference
TLAS	Timber Legality Assurance System
VPA	Voluntary Partnership Agreement
WWF-MY	World Wide Fund for Nature Malaysia

## 1.0 Workshop Overview

The 2<sup>nd</sup> Sabah's FLEGT stakeholder Consultation Meeting was held in Kota Kinabalu, Sabah on the 14<sup>th</sup>-15<sup>th</sup> January 2013. This consultation meeting was the follow-up session after the Sabah's FLEGT Kick Start Workshop that was successfully conducted in December? 2012. In fact, this is the 2<sup>nd</sup> time that WWF-MY jointly organized this activity together with the Sabah Forestry Department (SFD) as the management authority to further develop the n Sabah Timber Legality Assurance System (TLAS).

The Sabah Forestry Department (SFD) made available the 1<sup>st</sup> draft of the Sabah TLAS document to the stakeholders in Sabah and also with other government agencies within the Ministry of Plantations, Industries and Commodities (MPIC) at the federal capital.. This was an agreed action by SFD following comments by the participants that they require longer time to read the report and provide their inputs on the subject matter..

A total of 75 participants from various stakeholder groups attended on the first day and 56 participants attended on the second day of the consultation meeting. Averagely, there is a slight increase in participant numbers, in comparison, to the Kick Start workshop. Nevertheless, it has to be noted that there some participants did not sign the attendance list as they arrived after the session started. Therefore, the total participants could be more than what have been recorded (See **Annex 1** for the attendance sheet).

The stakeholders were invited to revisit the Sabah TLAS document and recommend the appropriate changes that are required to the existing document. The meeting took note of a common view emerging on certain aspects of the Sabah TLAS that required clarification and consistency in its interpretation and understanding based on the Sabah state laws and regulation. This was assisted with the presence of SFD's Legal Officer or Prosecuting Officer as this pertains to understanding of the law that SFD is enforcing. Notably, officers from other departments within Sabah Forestry Department, Lands and Surveys Department and Environmental Protection Department were present to provide their inputs.

The amendments to the Sabah TLAS were made on site and on screen for all stakeholders to see and reflect on. The stakeholder agreed that it should be done in such a manner in which the editing works was projected and everyone was able to give comments and views instantly. The document was discussed and elaborated with the assistance of the facilitator and the FLEGT Unit of the SFD.

### **Workshop Objective**

The following are the main objectives of the consultation meeting:

- To brief the stakeholders of the latest development on the Malaysia EU FLEGT VPA negotiation and Sabah TLAS.
- To discuss and deliberate on the content of each tables pertaining the Sabah TLAS.
- To make the said amended Sabah TLAS for preparation of Joint Evaluation Meeting (JEM) that will be hosted by Sabah Forestry Department in Sandakan, Sabah on the 22-25 January 2013.

## 2.0 Workshop Agenda



**PROGRAMME**  
**SABAH's FLEGT CONSULTATION MEETING**  
**14<sup>TH</sup>-15<sup>TH</sup> JANUARY 2013, LE MERIDIEN HOTEL, KOTA KINABALU**  
**SUPPORTED BY:**



**DAY 1: 14<sup>th</sup> January 2013**

Time	Programme
8.30-9.00 am	Arrival of participants/ Registration
9.00 – 9.15 am	Welcoming Remarks by Mr. Frederick Kugan, Deputy Director of Sabah Forestry Department.
9.15 -10.00 am	Discussion on Sabah TLAS document
10.00-10.30 am	Coffee Break
10.00 am – 12.00 pm	Discussion continues
12.00 – 1.00 pm	Lunch
1.00-3.00 pm	Discussion continues
3.00- 3.30 pm	Coffee Break
3.30 pm – 5.00 pm	Discussion continues
End of Programme	

**DAY 2: 15<sup>th</sup> January 2013**

Time	Programme
8.30-10.00 am	Discussion continues
10.00-10.30 am	Coffee Break
10.30 am -12.00 pm	Discussion continues
12.00 – 1.00 pm	Lunch
1.00-3.00 pm	Discussion continues
3.00-3.30 pm	Coffee Break
3.30-4.30 pm	Discussion continues
4.30-5.00 pm	Conclusion and Closing Remarks
End of Programme	

### 3.0 Session Summaries

**Overview /Opening** The session started with the opening remarks by the Deputy Director of Sabah Forestry Department, Mr. Fredrick Kugan. The consultation meeting commenced with the appointment of Associate Professor Dr. John Tay of University Malaysia Sabah to facilitate the consultation meeting. Dr. John Tay briefed the participants with regards to the objectives of the consultation meeting and what is going on with the Sabah TLAS. Prior to this meeting, the Sabah TLAS document was circulated to the stakeholders for revision.

Dato' Dr. Freezailah Che Yeom, as the Advisor to the Malaysian FLEGT VPA process for the Ministry of Plantation, Industries and Commodities (MPIC) highlighted that there will be two channels for Malaysia's timber and timber products entering the EU market after the VPA is signed, 1) through by means of obtaining a MY FLEGT License and 2) implementing the Due Diligence process. He elaborated that the due diligence process, among others, consist of information on the source of timber and the supply chain, the risk assessment for the region and means of mitigation measures to prevent undocumented timber and timber products from entering the supply chain. He further briefed that a special control procedure has been developed to take care of the timber coming from Sarawak in which the region is not part of the VPA at the moment. He stressed that even if VPA is not yet signed, the Peninsular Malaysia TLAS will still be implemented and the same goes to the Sabah TLAS as affirmed by SFD. Following that, a promotional campaign on the Malaysian TLAS to the EU will be conducted. The participants were reminded that there will be no system that can fulfil 100% of the industry requirements and therefore compromising is the way forward.

#### **Sabah TLAS Development**

Dr. John Tay walked the participants through the Sabah TLAS and below are the important and significant changes that was made during the consultation meeting with regards to Sabah TLAS:

- 1) **A new table on rubberwood from Smallholders** – this new table will be created to cover for removal of rubberwood from the smallholders.
- 2) **A new table on Forest Operations** – the changes here will be reflected on timber source from alienated land that requires form 2b<sup>1</sup>.

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<sup>1</sup> Form 2b is a license to take forest produce on prepayment of royalty.



Previously, one table was noted to cover timber sourced from 3 types of land, i.e., Permanent Forest, State land and alienated land. Since, the process is different for alienated land, it is best that a special table to cover for timber sourced from that particular land.

The Sabah TLAS as agreed from this stakeholder consultation is attached in **Annex 2**.

### **Malaysia EU FLEGT VPA process**

The SFD stressed that the stakeholder consultation on the FLEGT VPA process and the Sabah TLAS must be an on-going process and ensuring that it does not burden the industry but rather facilitating the implementation

The meeting was informed by Mdm. Loke Sim Wah of the Malaysia FLEGT protem that Sarawak is not part of the VPA with EU as it is not ready and has instead opted for phased approach. Due to the concern of both parties on this matter, a special control procedure was introduced to minimize the risk of timber and timber products from Sarawak from entering the supply chain to Europe. Mdm. Loke Sim Wah further clarified that when Sarawak is ready to be part of the VPA, the temporary measures (control procedures) will be removed.

On the request for Support for FLEGT VPA process in Sabah, SFD has received proposals from two (2) organizations i.e., NIOSH and STIA to request for funds to further build the agencies capacity with regards to FLEGT and its process. The meeting also took note of the opportunity through the EU FAO FLEGT Asia Programme and the need to work with EFI and WWF on capacity building programme.

In addition, Mdm, Ivy Wong of WWF-Malaysia informed the meeting that WWF has some funds to conduct studies related to FLEGT and to utilize the outcome to enhance the forest governance in Sabah. The potential studies that can be carried out are related to timber trade data reconciliation, illegal logging issue and also institutional regulatory function of agencies in Sabah. A Terms of Reference for each study will be developed and discussed for the benefit of all stakeholders.

The meeting also took note of the request from Sabah Timber Industry Association (STIA) for non-monetary support from SFD with regards to supporting the call for all Sabah timber companies to be members of a registered association i.e. STIA SFD responded that a guideline or toolkit will be developed for supporting that and this will be done through series of consultation. SFD further suggested that communication materials on the EU FLEGT VPA and the EU Timber Regulation and the Due diligence process be made available to help move the FLEGT VPA process in Sabah.

In conclusion, SFD urged all members to provide support to finalise the Sabah TLAS document especially in revising the current Sabah TLAS especially in the auditing process of the 6 Principles of Legality. There is a need to work with European Forest Institute (EFI) on support for rolling out the auditing process for Sabah and for the TOR of the above mention studies to be finalized.



## Annex 1: Participant List



**SABAH'S FLEGT CONSULTATION MEETING**  
**14<sup>TH</sup>-15<sup>TH</sup> JANUARY 2013**  
**LE MERIDIAN HOTEL KOTA KINABALU**

NO.	NAMES	POSITION	ORGANIZATION	SIGNATURE
1.	Frederick Kugan	Deputy Director (Forest Sector Planning)	Sabah Forestry Department	
2.	Albert Radin	Deputy Director (Forest Management Enterprise)	Sabah Forestry Department	
3.	Jeffus Sinajin	Head of Division (Sustainable Forest Management) (SFM)	Sabah Forestry Department	
4.	Mashor Hj. Mohd. Jaini	Head of Division (Forest Resource Management) (FRM)	Sabah Forestry Department	
5.	Andurus Abi	Head Of Division (Economy, Industry & Statistic) (EIS)	Sabah Forestry Department	

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9.		Head of Division (Innovation)	Sabah Forestry Department	
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12.	Mr. Roslan Junaidi	Head of FLEGT Unit, SFM	Sabah Forestry Department	
13.	Mr. Subari Suparlan	FLEGT Officer (FLEGT Unit)	Sabah Forestry Department	

NO.	NAMES	POSITION	ORGANIZATION	SIGNATURE
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15.	Ms. Hamidah Bujing	FLEGT Officer (FLEGT Unit)	Sabah Forestry Department	



**SABAH'S FLEGT CONSULTATION MEETING**  
**14<sup>TH</sup>-15<sup>TH</sup> JANUARY 2013**  
**LE MERIDIAN HOTEL KOTA KINABALU**





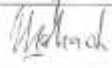
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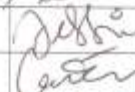


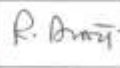


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

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


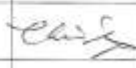
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**SABAH'S FLEGT CONSULTATION MEETING**  
**14<sup>TH</sup>-15<sup>TH</sup> JANUARY 2013**  
**LE MERIDIAN HOTEL KOTA KINABALU**

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
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CONSULTATION MEETING  
14<sup>TH</sup>-15<sup>TH</sup> JANUARY 2013  
LE MERIDIAN HOTEL KOTA KINABALU

NO.	NAMES	POSITION	ORGANIZATION	SIGNATURE
1.	Frederick Kugan	Deputy Director (Forest Sector Planning)	Sabah Forestry Department	
2.	Albert Radin	Deputy Director (Forest Management Enterprise)	Sabah Forestry Department	
3.	Jeffus Sinajin	Head of Division (Sustainable Forest Management) (SFM)	Sabah Forestry Department	
4.	Mashor Hj. Mohd. Jaini	Head of Division (Forest Resource Management) (FRM)	Sabah Forestry Department	
5.	Andurus Abi	Head Of Division (Economy, Industry & Statistic) (EIS)	Sabah Forestry Department	

NO.	NAMES	POSITION	ORGANIZATION	SIGNATURE
6.	Werfred Jilimin	Head of Division (Enforcement & Investigation)	Sabah Forestry Department	
7.	Peter Maurice Lédadun	Forest Officer (Enforcement & Investigation Division)	Sabah Forestry Department	
8.		Head of Division (Law)	Sabah Forestry Department	
9.		Head of Division (Innovation)	Sabah Forestry Department	
10.	Tn. Hj. Mohd. Salleh Abas	Senior Officer, Forest Sector Planning Office	Sabah Forestry Department	
11.	Ms. Amelia Cynthia Bosi	Planning Officer, Forest Sector Planning Office	Sabah Forestry Department	
12.	Mr. Roslan Jursaidi	Head of FLEGT Unit, SFM	Sabah Forestry Department	
13.	Mr. Subari Suparlan	FLEGT Officer (FLEGT Unit)	Sabah Forestry Department	

NO.	NAMES	POSITION	ORGANIZATION	SIGNATURE
14.	Mr. Narbert Nasly	FLEGT Officer (FLEGT Unit)	Sabah Forestry Department	
15.	Ms. Hamidah Bujing	FLEGT Officer (FLEGT Unit)	Sabah Forestry Department	




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CONSULTATION MEETING  
14<sup>TH</sup>-15<sup>TH</sup> JANUARY 2013  
LE MERIDIAN HOTEL KOTA KINABALU

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18.			Protem Secretariat		
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20.			Ministry of		
21.			Plantation Industries		
22.			and Commodities		
23.					
24.					



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**CONSULTATION MEETING**  
**14<sup>TH</sup>-15<sup>TH</sup> JANUARY 2013**  
**LE MERIDIAN HOTEL KOTA KINABALU**

NO.	NAME	POSITION	ORGANIZATION	EMAIL ADDRESS	SIGNATURE
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3.	Philip Ho Hong Chek	Honorary Asst. Treasurer	Timber Association Sabah (TAS)		
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

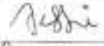
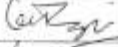

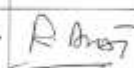
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21.	Lin Kai Min	Director	Cymao Plywood Sdn Bhd		
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39.	Bernard Tai	Head of Conservation, Sabah	WWF- Malaysia		

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46.	Emie Syarina Binti Norizan	Executive	Protom Secretariat Malaysia – EU FLEGT VPA	emiesyarina@mtib.gov.my	
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NO.	NAME	POSITION	ORGANIZATION	EMAIL ADDRESS	SIGNATURE



## **Annex 2: Sabah TLAS Document**

**PART 3 - SABAH**

**Table 1**

Region	SABAH	Sources of timber	PF, SL & AL
<b>Principle 1</b>	Right to harvest		
<b>Criterion</b>	<p>Approval of harvesting area</p> <ul style="list-style-type: none"> <li>Any company or person wishing to take or remove forest produce must obtain an approval from the Secretary of Natural Resources under the Chief Minister's Department (PF &amp; SL) or the Director of Forestry (AL).</li> <li>Sabah Forestry (FDS) ensures that areas gazetted for specific purposes (including NCR land) are excluded from the area to be approved for harvesting in PF &amp; SL.</li> </ul>		
<b>Legislative reference</b>	<ul style="list-style-type: none"> <li>Forest Enactment 1968 [Sections 15 &amp; 24]</li> <li>Sabah Land Ordinance 1958 [Cap 68]</li> </ul>		
<b>Responsibility</b>	<ul style="list-style-type: none"> <li>Chief Minister's Department (Approval – PF &amp; SL)</li> <li>Sabah Forestry Department (Approval - AL)</li> </ul>		
<b>Verification Procedure</b>	<p><u>SFMLA/Long Term Licence (LTL)</u></p> <ol style="list-style-type: none"> <li>The Director of Forestry verifies the application for harvesting coupe subject to an approved and valid SFMLA/LT Licence, FMP and AWP (Including an EIA, if required).</li> <li>The District Forestry Officer (DFO) conducts field inspection for coupe application and submits a report and recommendations to the Director of Forestry for approval.</li> <li>The Director of Forestry issues a coupe permit and specifies the conditions of approval to the DFO and distributes the coupe permit to the licensee.</li> </ol> <p><u>PF and SL (Short term licence)</u></p> <ol style="list-style-type: none"> <li>The Secretary of Natural Resources (SUHB) verifies the application for harvesting right. Eligible application will be forwarded to the Director of Forestry to ascertain availability of area.</li> <li>Forestry Department Sabah (FDS) determines the availability of the area and submits comments and recommendations to SUHB.</li> <li>SUHB decides on the application for harvesting right and issues approval to take forest produce.</li> <li>Once approval is received from SUHB, FDS informs successful applicant, stating conditions of approval (including the need for EIA, if necessary).</li> <li>Successful applicant needs to notify FDS to confirm acceptance to the offer of harvesting right.</li> </ol> <p><u>AL</u></p> <ol style="list-style-type: none"> <li>Upon receipt of application from the owner of the AL, or a company authorized by the owner, for permission to remove forest produce under licence, the District Forestry Officer verifies status of the land and its ownership if found to be in order then will submits the application to the Director of Forestry for approval.</li> <li>The Director of Forestry issues letter of approval to the DFO for removal of forest produce.</li> <li>The DFO informs the owner or the authorized company on the approval and the conditions of the approval (including the need for an EIA, if required).</li> </ol> <p>Frequency: The verification procedure applies for all applications for approval.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>Letter of Approval by FDS</li> </ul>		
<b>ISO Reference</b>	-		

**Table 2**

<b>Region</b>	<b>SABAH</b>	<b>Sources of timber</b>	PF, SL & AL
<b>Principle 1</b>	Right to Harvest		
<b>Criterion</b>	<p>Issuance of harvesting licence</p> <p>Any company or person/licensee wishing to take or remove forest produce from a forest area needs to have a valid harvesting licence. The issuance of a harvesting licence is subject to:</p> <ul style="list-style-type: none"> <li>i. Approval of forest harvesting area (Table 1)</li> <li>ii. Approved EIA study / Prescribed Mitigation Measures (PMM) if applicable (Table 4)</li> <li>iii. Approved Comprehensive Harvesting Plan (PF) (Table 5)</li> <li>iv. Demarcation of harvesting area (Table 6)</li> <li>v. Approved Inventory Report (FD26/2009) (Table 7)</li> <li>vi. Payment of licence fees and other charges imposed (Table 14)</li> </ul>		
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>• Forest Enactment 1968, Section 15 &amp; 24</li> <li>• Forest Rules 1969</li> <li>• RIL Operation Guide Book – Code of Practice for Forest Harvesting in Sabah, Malaysia. Third Edition 2009</li> <li>• Field Manual for the Medium Forest Management Planning Inventory 1991</li> <li>• Director's Circular : FD26/2009</li> </ul>		
<b>Responsibility</b>	Sabah Forestry Department (FDS)		
<b>Verification Procedure</b>	<ul style="list-style-type: none"> <li>i. FDS checks that the applicant or the forest area has met all the necessary requirements described under the Criterion.</li> <li>ii. If all the conditions are met, FDS issues the harvesting license.</li> </ul> <p>Frequency: The verification procedure applies each time when a harvesting license is issued.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>• Harvesting licence</li> <li>• Coupe Permit (SFMLA/LTL)</li> </ul>		
<b>ISO Reference</b>	-		

**Table 3**

<b>Region</b>	<b>SABAH</b>	<b>Sources of timber</b>	ITP (SL & AL)
<b>Principle 1</b>	Right to Harvest		
<b>Criterion</b>	<p>Consent by owner to remove logs and wood residues.</p> <p>The land owner has a contract with the contractor to remove logs and wood residues from the gazetted land (SL) or titled land (AL)</p>		
<b>Legislative Reference</b>	Land Ordinance 1958 (Cap 68)		
<b>Responsibility</b>	Sabah Forestry Department (FDS).		
<b>Verification Procedure</b>	<ul style="list-style-type: none"> <li>District Forestry Office (DFO) ensures that for each application to remove planted timber, copies of land titles and agreement to extract planted timber are attached.</li> <li>Forest Ranger/Forester carries ground inspection to verify land area.</li> </ul> <p>Frequency: The verification procedure applies for each application to remove logs and wood residues.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>Evidence of land title.</li> <li>Letter/agreement/contract between the land owner and contractor</li> </ul>		
<b>ISO Reference</b>	-		

**Table 4**

<b>Region</b>	<b>SABAH</b>	<b>Sources of timber</b>	PF, SL, & AL
<b>Principle 1</b>	Right to harvest		
<b>Criterion</b>	Environmental management <ul style="list-style-type: none"> <li>The Licensee/Land owner has conducted an Environmental Impact Assessment (EIA) for forest related activities involving removal of timber involving an area of 500 ha and above.</li> <li>The licensee/Land Owner has conducted Prescribed Mitigation Measures (PMM) for forest related activities involving removal of timber involving an area of 100 ha and below 500 ha.</li> </ul>		
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>Environment Protection Enactment 2002 [Sections 12, 20 &amp; 37]</li> <li>Environment Protection (Prescribed Activities) (Environmental Impact Assessment) Order 2005</li> <li>Environment Protection (Registration of Environmental Consultant) Rules 2005</li> </ul>		
<b>Responsibility</b>	Environment Protection Department (EPD)		
<b>Verification Procedure</b>	<ol style="list-style-type: none"> <li>FDS determines if the harvesting in the area to be licensed is subject to an EIA/PMM and Licensee/Land Owner is advised accordingly.</li> <li>EPD evaluates EIA report and PMM proposed by a registered consultant for consideration and signing of the Agreement of Environmental Condition/Mitigation Declaration upon approval.</li> <li>FDS ensures that EIA/PMM is approved by EPD prior to the issuance of harvesting licence.</li> <li>EPD monitors the implementation of mitigation measures on the specified area under the Agreement.</li> </ol> <p>Frequency: EPD monitors the submission of quarterly environmental compliance report by a registered environmental consultant.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>Approved EIA report (EIA) or Approved Prescribed Mitigation Measures (PMM)</li> <li>Signed Agreement of Environmental Condition/ Mitigation Declaration</li> <li>List of registered EIA consultants</li> </ul>		
<b>ISO Reference</b>	MS ISO 9001:2008 (Determination of Terms-Of-Reference for Environmental Impact Assessment (EIA) Studies and the Assessment of the EIA Reports)		

**Table 5.**

Region	SABAH	Sources of timber	PF & SL
<b>Principle 1</b>	Right to harvest		
<b>Criterion</b>	Plan preparation <ul style="list-style-type: none"> <li>• Forest Management Plan (FMP) or/and Plantation Development Plan (PDP) prepared by the licensee and approved by the Director of Forestry (PF &amp; SL).</li> <li>• Annual Work Plan (AWP) prepared by the licensee and approved by the Director of Forestry (PF &amp; SL).</li> <li>• CHP prepared by the licensee and approved by the Director of Forestry (PF).</li> </ul>		
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>• Forest Enactment 1968 [Section 28A]</li> <li>• RIL Operation Guide Book – Code of Practice for Forest Harvesting in Sabah, Malaysia. Third Edition 2009</li> </ul>		
<b>Responsibility</b>	Sabah Forestry Department (FDS)		
<b>Verification Procedure</b>	<p><u>FMP/PDP</u></p> <ol style="list-style-type: none"> <li>Licensee submits FMP and/or PDP to the Director of Forestry for approval.</li> <li>The Director of Forestry forwards approved FMP and/or PDP to the licensee and the District Forestry Officer for implementation.</li> </ol> <p><u>AWP</u></p> <ol style="list-style-type: none"> <li>The Licensee submits AWP to the District Forestry Officer for verification before submission to the Director of Forestry for approval.</li> </ol> <p><u>CHP</u></p> <ol style="list-style-type: none"> <li>The Licensee submits CHP to the District Forestry Officer for verification before submission to the Director of Forestry for approval.</li> <li>The Director of Forestry forwards approved CHP to the licensee and the District Forestry Officer for implementation.</li> </ol> <p>Frequency: The verification procedure applies for the issuance approval of each of the above.</p>		
<b>Output</b>	Approved FMP, PDP, AWP and CHP		
<b>ISO Reference</b>	<b>ISO 9001:2008 JPHTN-PKT01:08:01 (RIL).</b>		

**Table 6**

<b>Region</b>	<b>SABAH</b>	<b>Sources of timber</b>	PF, SL & AL
<b>Principle 2</b>	Forest operations		
<b>Criterion</b>	<p>Area demarcation</p> <ul style="list-style-type: none"> <li>• Lands and Surveys Department (LSD) issues a Registered Survey Paper (RSP) to the licensee (approved applicant) for area in SL.</li> <li>• Sabah Forestry Department (FDS) issues a survey permit to the licensee (approved applicant) for area in PF.</li> <li>• The licensee (via appointed licensed surveyor) surveys, marks and under-brushes license boundary on the ground.</li> <li>• FDS ensures that the licensed area is surveyed and properly marked on the ground in accordance to the boundary demarcation standard.</li> </ul>		
<b>Legislative Reference</b>	Sabah Land Ordinance (Cap 68) 1958 [Part viii- Demarcation and Survey]		
<b>Responsibility</b>	<ul style="list-style-type: none"> <li>• Sabah Forestry Department (FDS)</li> <li>• Lands and Surveys Department (LSD)</li> </ul>		
<b>Verification Procedure</b>	<ol style="list-style-type: none"> <li>Forest Ranger/Forester inspects and verifies the demarcation of the boundary, the marked/painted boundary trees and under-brushing work.</li> <li>Forest Ranger/Forester marks boundary trees with FDS hammer mark and GPS coordinates reading are recorded.</li> <li>District Forest Officer prepares and submits verification report to the Director of Forestry.</li> <li>Monitoring, Control, Enforcement and Evaluation (MCEE) Officer verifies boundaries on the ground and submits the report to Director of Forestry.</li> <li>Director of Forestry checks the DFO's/MCEE officer's verification report and approves the survey plan for issuance of harvesting licence and/or coupe permit.</li> </ol> <p>Frequency: The verification procedure is applied before the issuance of each harvesting licence.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>• Approved survey plan for forest operation</li> <li>• Boundary marked on the ground.</li> <li>• Ground verification report.</li> </ul>		
<b>ISO Reference</b>			

Table 7

Region	Sabah	Source of timber	PF, SL & AL (excluding ITP)
<b>Principle 2</b>	Forest Operations		
<b>Criterion</b>	<p>Forest Inventory</p> <p>FDS determines that forest inventory has been conducted by Licensee in accordance to Director Circular: FD26/2009 – (Note: FDS to revisit to provide details for inventory taken based on forest stand condition or forest stratum).</p>		
<b>Legislative Reference</b>	<p>i. Field Manual for Medium Forest Management Planning Inventory 1991 ( SFMLA / LTL)</p> <p>ii. Director's Circular : FD26/2009</p>		
<b>Responsibility</b>	Sabah Forestry Department (FDS)		
<b>Verification Procedure</b>	<p><u>PF (SFMLA):</u></p> <p>i. FDS verifies on the ground the inventory report submitted by the Licensee or an appointed contractor.</p> <p>ii. FDS (SFM) conducts field verification (<del>10 % of the total plot</del>) and submits to the Director of Forestry for approval.</p> <p><u>SL/AL (SHORT TERM LICENCE):</u></p> <p>i. DFO verifies on the ground the inventory report submitted by the Licensee or an appointed contractor.</p> <p>ii. DFO conducts field verification (10 % of the total plot) and submits to the Director of Forestry for approval.</p> <p>Frequency: The verification procedure is applied for FMP preparation, and the issuance of the harvesting licence (Short Term Licence) and coupe permit.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>• Stock Table ( m<sup>3</sup> / hectare)</li> <li>• Stand Table ( Number of trees/ hectare)</li> <li>• Approved Inventory Report.</li> </ul>		
<b>ISO Reference</b>	-		



**Table 8**

<b>Region</b>	<b>Sabah</b>	<b>Source of timber</b>	<b>PF (excluding ITP)</b>
<b>Principle 2</b>	Forest Operations		
<b>Criterion</b>	<p>Tree marking</p> <p>Registered CHP Contractor marks the trees to be harvested or retained based on the Reduced Impact Logging (RIL) Guidelines.</p>		
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>• Forest Rules 1969 – Schedule 1 (Rule 11)</li> <li>• Licence Agreement</li> <li>• RIL Operation Guide Book – Code of Practice for Forest Harvesting in Sabah, Malaysia. Third Edition 2009</li> </ul>		
<b>Responsibility</b>	Sabah Forestry Department (FDS)		
<b>Verification Procedure</b>	<ul style="list-style-type: none"> <li>i. DFO checks the implementation of the tree marking in the field.</li> <li>ii. FDS Headquarters verifies that all harvestable trees are marked accordingly to RIL Operation Guide Book.</li> </ul> <p><b>Frequency:</b> This verification procedure applies for each CHP.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>• Harvestable trees numbered and marked</li> <li>• List of harvestable trees</li> <li>• Stock mapping sheet</li> </ul>		
<b>ISO Reference</b>	<b>ISO 9001:2008 JPHTN-PKT01:08:01 (RIL).</b>		

Table 9

Region	SABAH	Sources of timber	PF, SL & AL (excluding ITP)
<b>Principle 2</b>	Forest operations		
<b>Criterion</b>	Control of timber production <ul style="list-style-type: none"> <li>• Licensee ensures that only allowable trees are harvested (PF).</li> <li>• Licensee transports logs to the designated site to be assessed for royalty.</li> </ul>		
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>• Annual Work Plan (AWP)</li> <li>• Comprehensive Harvesting Plan (CHP) – PF</li> <li>• Licence conditions</li> <li>• Forest Rules 1969, Rule 15(1).</li> </ul>		
<b>Responsibility</b>	Sabah Forestry Department (FDS)		
<b>Verification Procedure</b>	<p><u>At the Log Landing - PF</u></p> <ol style="list-style-type: none"> <li>Forest Ranger/Forester verifies that harvested logs are listed in an approved CHP and have been recorded in the Daily Felling Record (DPF).</li> <li>Logs extracted are marked with licensee's property hammer mark registered with FDS.</li> <li>Upon application by the licensee, Forest Ranger/Forester conducts 10% Check Scaling, signs the CS Form, hammers the logs with Inspection Hammer Mark and issues Transit Pass for removal of logs to Pangkalan.</li> </ol> <p><u>At the Pangkalan - (Royalty assessment is outside the licensed area) - PF</u></p> <ol style="list-style-type: none"> <li>Forest Ranger/Forester at the Pangkalan inspects logs upon arrival and stamps the Transit Pass as "Used Transit Pass".</li> <li>Upon application for scaling, the DFO issues Scaling Order and Forest Ranger/Forester conducts 100% scaling.</li> <li>Timber Disposal Permit/s (TDPs) is/are issued upon payment of royalty.</li> <li>Forest Ranger/Forester marks logs with Revenue Hammer Mark and issues Removal Pass for removal of logs to the final destination.</li> <li>DFO records licensee's log production data based on TDPs volume.</li> </ol> <p><u>At the Licensee's Stumping (royalty assessment is inside the licensed area) –</u></p> <ol style="list-style-type: none"> <li>Forest Ranger/Forester verifies that logs extracted are marked with licensee's Property Hammer Mark registered with FDS.</li> <li>Upon application for scaling, DFO issues Scaling Order and Forest Ranger/Forester conducts 100% scaling.</li> <li>TDPs is/are issued upon payment of royalty.</li> <li>Forest Ranger/Forester marks logs with Revenue Hammer Mark and issues Removal Pass for removal of logs to the final destination.</li> <li>DFO records licensee's log production data based on TDPs volume.</li> </ol> <p><u>Monitoring Of Harvesting Operations</u></p> <ol style="list-style-type: none"> <li>Forest Ranger/Forester conducts inspection and submits quarterly report on progress of harvesting in the licensed area.</li> <li>Upon completion of the harvesting activities or expiration of licence validity, Forest Ranger/Forester inspects and prepares the Closing Inspection Report for submission to the Director of Forestry.</li> <li>DFO prepares licensee's monthly log production data</li> </ol> <p>Frequency: This verification procedure applies to all logs extracted and removed from the licensed area.</p>		
<b>Outputs</b>	<ul style="list-style-type: none"> <li>• Daily Felling Record(DPF)</li> <li>• Log Register</li> <li>• Transit Pass</li> <li>• Removal Pass</li> <li>• Timber Disposal Permit (TDP)</li> <li>• Quarterly Progress Report</li> <li>• Closing Inspection Report</li> <li>• Compartment Register</li> <li>• Check Scaling Form</li> </ul>		
<b>ISO Reference</b>			

Table 10

Region	SABAH	Sources of Timber	ITP (PF, SL & AL)
<b>Principle 2</b>	Forest operations		
<b>Criterion</b>	<p>Control of timber production</p> <p><u>ITP (PF)</u></p> <ul style="list-style-type: none"> <li>• Licensee ensures that only allowable trees are harvested.</li> <li>• Licensee transports logs to the designated site to be assessed for royalty.</li> </ul> <p><u>ITP (SL/AL)</u></p> <ul style="list-style-type: none"> <li>• Land owner ensures that all harvested trees are inspected by the DFO prior to removal.</li> <li>• Plantation logs to be removed are covered by Removal Pass.</li> </ul>		
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>• Annual Work Plan (AWP)- PF/SL</li> <li>• Licence conditions- PF/SL</li> <li>• Forest Rules 1969 -Rule 15(1)</li> <li>• Director's Circular FD: 21/2010 (Removal Pass for Plantation Logs) - SL/AL.</li> </ul>		
<b>Responsibility</b>	Sabah Forestry Department (FDS)		
<b>Verification Procedure</b>	<p><u>At Log Landing - PF</u></p> <ol style="list-style-type: none"> <li>Forest Ranger/Forester verifies that harvested logs are recorded in the Daily Felling Record.</li> <li>Logs extracted are marked with licensee's Property Hammer Mark registered with FDS (randomly).</li> <li>Forest Ranger/Forester conducts 10% Check Scaling and marks plantation logs with Inspection Hammer Mark (randomly) and issues Transit Pass for removal to an approved Weigh Bridge.</li> </ol> <p><u>At the Weigh Bridge - PF</u></p> <ol style="list-style-type: none"> <li>Forest Ranger/Forester at the Weigh Bridge checks plantation logs upon arrival and stamps the Transit Pass as "Used Transit Pass".</li> <li>Upon application for scaling, the DFO issues Scaling Order and plantation logs are weighed for royalty assessment.</li> <li>Timber Disposal Permit/s is/are issued upon payment of royalty.</li> <li>Forest Ranger/Forester marks plantation logs with Revenue Hammer Mark (randomly) and issues Removal Pass to cover removal of logs to the final destination.</li> </ol> <p><u>At Log Landing or Weigh Bridge [SL(SAFODA)/AL]</u></p> <ol style="list-style-type: none"> <li>Forest Ranger/Forester verifies that logs are extracted from SAFODA's area or from AL [based on SAFODA's confirmation letter/copy of land title, and plantation timber extraction agreement between private land owners and timber extractor.] Plantation logs are marked randomly with owner's Property Hammer Mark registered with FDS.</li> <li>Forest Ranger/Forester marks plantation logs with Inspection Hammer randomly upon checking the log list (FDS to check)/ log summary volume/weigh bridge volume reading.</li> <li>Forest Ranger /Forester issues Removal Pass with "Royalty Exempted" mark on it.</li> </ol> <p><u>Monitoring Of Harvesting Operations (PF)</u></p> <ol style="list-style-type: none"> <li>Forest Ranger/Forester conducts inspection and submits quarterly report on progress of harvesting in the licensed area.</li> <li>Upon completion of the harvesting activities or expiration of the licence validity, The DFO Forest Ranger/Forester inspects and prepares the Closing Report for submission to the Director of Forestry.</li> <li>DFO records licensee's log production data based on TDP volume (PF)</li> <li>DFO records land owners log production data based on Removal Pass volume. Where the final volume is determined at the weigh bridge at the mill gate, production volume is recorded based on receiving mill weigh bridge record. [SL(SAFODA)/AL]</li> </ol> <p>Frequency: This verification procedure applies to all plantation logs extracted from all ITPs.</p> <p>Note: SL-SAFODA &amp; AL plantation logs are exempted from royalty payment.</p>		
<b>Outputs</b>	<ul style="list-style-type: none"> <li>• Daily Felling Record (PF)</li> <li>• Check Scaling Form-PF/SL Except SAFODA</li> <li>• Transit Pass (PF)</li> <li>• Timber Disposal Permit (TDP)-PF/SL except SAFODA</li> <li>• Removal Pass (PF/SL/AL)</li> <li>• Quarterly Progress Report-PF/SL except SAFODA</li> <li>• Closing Inspection Report-PF/SL except SAFODA</li> <li>• Compartment Register -PF/SL</li> </ul>		
<b>ISO Reference</b>			

Table 11

Region	SABAH	Sources of timber	PF, SL & AL (excluding ITP)
<b>Principle 2</b>	Forest operations		
<b>Criterion</b>	<p>Log transportation</p> <ul style="list-style-type: none"> <li>• Licensee transport logs from designated Stumping Point to Pangkalan or mill yard only from 7.00am to 7.00pm, unless with the Director of Forestry's approval for transportation outside the stipulated time period.</li> <li>• Licensee ensures that all logs transported from the Stumping Point to the Pangkalan, or mill yard (in the case of SFI) are accompanied by a Transit Pass.</li> <li>• Licensee ensures that all logs transported from the Stumping Point/Pangkalan to the mill yard/port of loading are accompanied by a Removal Pass upon payment of statutory charges.</li> <li>• Upon arrival of logs at the mill, the Forest Ranger/Forester stationed at the receiving mill enters logs details as recorded in the Removal pass into the Log Arrival record.</li> <li>• In the event that logs are transported to another mill, the mill must apply for another Removal Pass.</li> </ul> <p>The validity of Removal Pass is determined by the distance and mode of log transportation and may range from 1 to 3 days for land transportation or maximum 1 week for river/sea transportation subject to extension by the Director of Forestry.</p>		
<b>Legislative Reference</b>	Forest Rules 1969, Rule 15(1)		
<b>Responsibility</b>	Sabah Forestry Department (FDS)		
<b>Verification Procedure</b>	<p><u>Stumping Point to Pangkalan/Weigh Bridge</u></p> <ul style="list-style-type: none"> <li>• Forest Ranger/Forester ensures that all logs transported from the Stumping Point to Pangkalan/Weigh Bridge bears FD Inspection Hammer Mark and are accompanied by a Transit Pass.</li> </ul> <p>Note: Logs to be weighed are randomly marked with the Inspection Hammer Mark.</p> <p><u>Pangkalan/Weigh bridge/Stumping Point to the Mill/Port of Loading</u></p> <ul style="list-style-type: none"> <li>• Forest Ranger/Forester ensures that relevant statutory charges for all logs transported from the Stumping Point to the mill/port of loading have been collected and all logs bear FD Revenue Mark, except for weighed logs which are randomly marked, and are accompanied by a Removal Pass.</li> </ul> <p><u>At the mill</u></p> <ul style="list-style-type: none"> <li>• Forest Ranger/Forester inspects logs upon arrival and "stamps" Removal Pass as "Used Removal Pass" upon verification of the consignment</li> <li>• Forest Ranger/Forester ensures that logs arrival have been recorded in Log Arrival Book.</li> </ul> <p><u>At the Port of Loading:</u></p> <ul style="list-style-type: none"> <li>• Forest Ranger/Forester inspects logs and verifies that the log details as recorded in the Removal Pass tallies with the details as in the Export Declaration/export supporting documents.</li> </ul> <p>Frequency: The verification procedure applies for every load of logs transported.</p> <p>Note: Weighed logs are small diameter and irregularly shaped logs.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>• Records of logs in Log Arrival Book tally with the details as indicated in the Removal Pass received by the mill or as declared in the Export Declaration/export supporting documents in the case of logs for export.</li> <li>• All logs bear Revenue Hammer Mark with the exception of weighed logs which are randomly marked.</li> <li>• Removal Pass bearing "Used Removal Pass" stamp.</li> </ul>		
<b>ISO Reference</b>	-		

**Table 12**

Region	SABAH	Sources of timber	ITP (PF, SL & AL)
<b>Principle 2</b>	Forest operations		
<b>Criterion</b>	<p>Log transportation</p> <ul style="list-style-type: none"> <li>• Licensee ensures that all plantation logs transported to an approved weigh bridge/weigh bridge at the mill gate for royalty assessment are accompanied by a Log Hauling Docket, Transit Pass and bears FD Inspection Hammer Mark (randomly). (PF)</li> <li>• Licensee ensures that an approval to transport plantation logs to an approved weigh bridge has been obtained from the Director of Forestry (PF/SL) or the District Forestry Officer (AL).</li> <li>• Licensee/Private tree plantation owners ensure that all weighed plantation logs to the Port of Loading/mill are accompanied by a Removal Pass (Unless exempted in the case of logs weighed at mill gate where the weigh bridge is located).</li> <li>• Forest Ranger/Forester at the receiving mill enters log details as recorded in the Removal Pass into the Log Arrival Book.</li> <li>• In the event that logs are transported to another mill, the mill must apply for another Removal Pass to be issued by a Forestry Officer.</li> <li>• The validity of Removal Pass is determined by the distance and mode of log transportation and may range from 1 day to 3 days for land transportation or maximum 1 week for river/sea transportation subject to extension by the Director of Forestry.</li> </ul>		
<b>Legislative Reference</b>	<p>Forest Rules 1969 Rule 15(1) Director's Circular FD: 21/2010 Issuance of Removal Pass for Plantation Logs</p>		
<b>Responsibility</b>	Sabah Forestry Department		
<b>Verification Procedure</b>	<p><u>Plantation Area/Weigh Bridge</u></p> <ul style="list-style-type: none"> <li>• Forest Ranger/Forester ensures that all logs transported from the licensed area to the approved Weigh Bridge bears FD Inspection Hammer Mark and are accompanied by a Transit Pass and Log Hauling Docket.</li> </ul> <p>Note: Logs to be weighed are randomly marked with the Inspection Hammer Mark.</p> <p><u>Weigh bridge to the Mill/Pangkalan/Port of Loading</u></p> <ul style="list-style-type: none"> <li>• Forest Ranger/Forester ensures that relevant revenues on all logs transported from the weigh bridge to the Pangkalan/ mill/Port of Loading have been collected and logs randomly bear FD Revenue Mark. In the case of plantation logs produced from Private Tree Plantations where no royalty is imposed [AL &amp; SL(SAFODA)], Forest Ranger/Forester ensures that plantation logs randomly bear FD Inspection Hammer Mark.</li> </ul> <p><u>At the mill</u></p> <ul style="list-style-type: none"> <li>• Forest Ranger/Forester inspects logs upon arrival and "stamps" Removal Pass as "Used Removal Pass" upon verification of the consignment and ensures that plantation logs arrival have been recorded in the Log Arrival Book as recorded in the Removal pass.</li> <li>• Where plantation logs are weighed at the mill gate, Forest Ranger/Forester inspects plantation logs and "Stamps" Transit Pass as "Used Transit Pass" if all plantation logs details are in order.</li> <li>• Forest Ranger/Forester records plantation logs weight/volume for royalty assessment and collects royalty and records plantation log arrival in the Log Arrival Book.</li> </ul> <p><u>At the Port of Loading:</u></p> <ul style="list-style-type: none"> <li>• Forest Ranger/Forester inspects plantation logs and verifies plantation logs details as recorded in the Removal Pass and the plantation log details as in the Export Declaration/export supporting documents.</li> </ul> <p>Frequency: The verification procedure applies for every load of logs transported.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>• Records of logs in Log Arrival Book tally with the details of plantation logs as recorded in the Removal Pass/Transit Pass received by the mill or as declared in the Export Declaration or export supporting documents in the case of logs for export.</li> <li>• Plantation logs (randomly) bear Revenue Hammer Mark.</li> <li>• Removal Pass or Transit Pas and confirmation of plantation logs arrival as recorded in the Log Arrival Book.</li> </ul>		
<b>ISO Reference</b>	-		

**Table 13**

Region	SABAH	Sources of timber	PF, SL & AL
<b>Principle 2</b>	Forest operations		
<b>Criterion</b>	<p>Worker safety and health</p> <p><u>Employer</u></p> <ul style="list-style-type: none"> <li>• Pays insurance premium/contribution for all workers</li> <li>• Provides adequate training on safety measures/personnel protective equipment</li> <li>• Undertakes remedial measures as directed by relevant authorities (DOSH and FDS) following their inspection</li> <li>• Submits appropriate report to DOSH / Department of Labour (DoL) in a timely manner as required</li> <li>• Reports to: <ul style="list-style-type: none"> <li>○ SOCSO</li> <li>○ DOSH and</li> <li>○ Department of Labour</li> </ul> on accidents related to employment immediately</li> <li>• Maintains monthly records of contribution to SOCSO</li> <li>• Maintains records of worker's training on safety and health showing what training was conducted, who attended and any certificates were awarded</li> </ul> <p>Ensure adequate precaution for worker's safety in the event of fire or other accidents</p>		
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>• Occupational Safety and Health Act 1994 [Section 15]</li> <li>• Labour Ordinance [Sabah Cap 67]</li> <li>• Workmen's Compensation Act 1952 (Act 273)</li> <li>• Employee's Social Security Act 1969</li> </ul>		
<b>Responsibility</b>	<ul style="list-style-type: none"> <li>• Department of Occupational Safety and Health (DOSH)</li> <li>• Department of Labor (DoL)</li> <li>• Social Security Organization (SOCSO)</li> </ul>		
<b>Verification Procedure</b>	<p><u>DOSH</u></p> <ol style="list-style-type: none"> <li>Conducts random inspections on safety and health aspects in harvesting operations as specified in the Criterion together with FDS and issues the following depending on the severity of the non-compliances: <ul style="list-style-type: none"> <li>• Letter of Warning</li> <li>• Notice of Improvement</li> <li>• Notice of Prohibition</li> </ul> </li> <li>Conducts additional inspection with FDS to determine remedial actions taken by employers and may revoke the notice issued if the remedial actions undertaken are found to be satisfactory</li> <li>Take necessary actions on accident reports received from employer</li> </ol> <p>Frequency: Inspection on safety and health aspects at logging operations is undertaken randomly and follow-up inspection is also carried out depending on circumstances.</p> <p><u>SOCSO</u></p> <ol style="list-style-type: none"> <li>Makes periodical inspections to all registered employers to ensure their compliance as required under the Act. There is a report for each inspection together with follow-up action</li> <li>Conducts investigation on reported accidents if necessary based on the nature of the accident and the investigation takes place immediately</li> <li>Ensures social security coverage for all local workers who are employed under Contract of Service, for contingencies such as employment injury and invalidity. The Employment Injury Insurance Scheme provides coverage for all accidents and occupational diseases related to employment</li> <li>Received reports submitted by employers on all accidents and occupational diseases related to employment</li> <li>Undertakes investigation as necessary and determines the necessary compensation within the Framework of ESSA 1969</li> <li>Provides coverage under the Invalidity Pension Scheme for employees suffering from invalidity due to any cause, illness or death (to beneficiary) not related to employment.</li> </ol> <p>Frequency: Inspection is made periodically.</p> <p><u>Department of Labour (DoL)</u></p> <ol style="list-style-type: none"> <li>Ensures employer insures every foreign worker employed in accordance with the provisions under Workmen's Compensation Act 1952</li> <li>Holds inquiry to ascertain on the accident and whether any workman has been injured and whether any compensation payable under Workmen's Compensation Act 1952 is being paid</li> </ol> <p>Frequency: Inspections are done based on regular basis or based on complaints received.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>• Records of work instructions, training, insurance and accidents</li> <li>• Audit report from DOSH</li> <li>• SOCSO inspection report</li> <li>• Inspection report by DOL</li> </ul>		
<b>ISO Reference</b>	-		

**Table 15**

<b>Principle 4</b>	Other users' rights
<b>Criterion</b>	<p>User rights by Natives</p> <ul style="list-style-type: none"> <li>Area with Native Customary Right (NCR) claim described under Sections 13, 14, 15, 16, 69 and 82 of the Land Ordinance is excised from Temporary Occupation Lease (TOL) area after a land inquiry is conducted to verify the claim and found to be justifiable by the Lands and Surveys Department prior to the issuance of the timber harvesting licence. (SL)</li> <li>Area in SFMLA with local community is zoned as Community Area in the Forest Management Plan (FMP). (PF)</li> <li>Occupational Permit (OP) for areas occupied by Natives issued by FDS.(PF)</li> <li>The Director of Forestry may exempts Natives from payment of royalty on any forest produce taken from SL and AL for: <ul style="list-style-type: none"> <li>i. The construction or repair of a dwelling –house for the abode of himself and his family;</li> <li>ii. The construction of fences and temporary huts on any land lawfully occupied by him;</li> <li>iii. The construction or repair of native boats;</li> <li>iv. The upkeep of his fishing stakes and landing places;</li> <li>v. Fire-wood to be consumed for his domestic purposes; or</li> <li>vi. The construction and upkeep of clinics, schools, community halls, places of worship, bridge and any work for the common benefit of the native in-habitants of his kampong.</li> </ul> </li> </ul>
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>Forest Enactment 1968, Section 41 (SL, AL)</li> <li>Forest Rules 1969, Rule 8 (SL, AL) &amp; Rule 20(a) - (PF, SL)</li> <li>Sabah Land Ordinance 1958 (Cap 68) - (SL)</li> <li>Sustainable Forest Management Licence Agreement Conditions (PF)</li> </ul>
<b>Responsibility</b>	<ul style="list-style-type: none"> <li>Sabah Forestry Department(FDS)</li> <li>Lands and Surveys Department (LSD)</li> </ul>
<b>Verification Procedure</b>	<p><u>Land-use (PF):</u></p> <ul style="list-style-type: none"> <li>i. SFMLA/Long Term Licence (LTL) holder conducts Social Baseline Survey of the licensed area.</li> <li>ii. Based on the survey, the licensee proposes area for Community Zone in the Forest Management Plan (FMP)</li> <li>iii. FDS verifies and approves the proposed area for Community.</li> <li>iv. Area zoned as Community Area mapped in the FMP and excluded from harvesting activity.</li> </ul> <p><u>Land-use (SL):</u></p> <ul style="list-style-type: none"> <li>Lands &amp; Surveys Department (LSD) verifies claims for NCR</li> <li>Based on the land enquiry by LSD, LSD excises the NCR area and issues Temporary Occupation Lease (TOL) for logging.</li> </ul> <p><u>Extraction of Forest Produce:</u></p> <ul style="list-style-type: none"> <li>DFO verifies genuine applicant for Form IIA.</li> <li>Form IIA Licence issued upon approval by the Director of Forestry.</li> </ul> <p><u>Issue of Occupation Permit (OP) for specific use of Land (PF)</u></p> <ul style="list-style-type: none"> <li>Natives occupying areas in PF apply for OP</li> <li>DFO inspects area and submits report to the Director of Forestry</li> <li>Director of Forestry may approve application and issue OP</li> </ul> <p>Frequency: The verification procedure is applied to determine the user's rights of Natives indicated in the Criterion.</p>
<b>Output</b>	<ul style="list-style-type: none"> <li>Community Area Zoned in FMP</li> <li>Form IIA Licence</li> <li>Occupation Permit (PF)</li> <li>Temporary Occupation Lease (TOL) (SL)</li> </ul>
<b>ISO Reference</b>	

**Table 16**

Region	SABAH	Sources of timber	PF, SL, AL & Imp
<b>Principle 5</b>	Mill operations		
<b>Criterion</b>	<p>Issuance of mill licence and conditions for operation.</p> <ul style="list-style-type: none"> <li>All wood processing mills are required to be licensed with the Sabah Forestry Department.</li> <li>Licensed mill must comply with mill license conditions including submission of monthly Mill Production Returns and maintenance of Log Arrival Book (for mills processing logs)</li> </ul>		
<b>Indicator Legislative Reference</b>	<ul style="list-style-type: none"> <li>Forest Enactment 1968 [Section 42]</li> <li>Forest Rules 1969, Rule 19(1)</li> <li>Licensing Guidelines for Wood-Based Industry in Sabah-Version 2, 2012</li> </ul>		
<b>Responsibility</b>	Sabah Forestry Department Sabah (FDS)		
<b>Verification Procedure</b>	<p><u>Establishment and upgrading of mill</u></p> <ul style="list-style-type: none"> <li>Applicant applies for mill license to the District Forestry Officer together with the application form and other supporting documents as stipulated in Licensing_Guidelines_For_Wood-Based Industry in Sabah-(Version 2), 2012.</li> <li>The District Forestry Officer inspects the site and ensures compliance of mill license application procedures and submits findings and recommendation to Director of Forestry.</li> <li>The Director of Forestry evaluates application of mill license compliance and comments from the District Forestry Officer.</li> <li>Approval issued to the District Forestry Officer with stipulated fees and license conditions.</li> <li>The District Forestry Officer issues mill license upon payment of mill license annual fee and other charges.</li> <li>The DFO conducts monthly inspection to monitor mill operations including Log Arrival Book</li> <li>The mill submits Monthly Production Returns to the DFO and the Director of Forestry.</li> </ul> <p><u>Renewal of mill license</u></p> <ul style="list-style-type: none"> <li>Annual renewal of mill license is to be submitted to the Director of Forestry upon field inspection and submission of recommendations by the District Forestry Officer.</li> <li>Issuance of mill license is done by the District Forestry Officer upon approval by the Director of Forestry and payment of annual mill license fee and other charges.</li> </ul> <p>Frequency: This verification procedure is applies to all applications for new mill licenses, annual renewals as well as upgrading of licensed mill</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>Mill license</li> <li>Log Arrival Book</li> <li>Monthly Mill Production Returns</li> </ul>		
<b>ISO Reference</b>	-		



Table 17

Region	SABAH	Sources of timber	PF, SL, AL, & Imp
Principle 5	Mill operations		
Criterion	<p>Worker safety and health</p> <p><u>Employer</u></p> <ul style="list-style-type: none"> <li>• Pays insurance premium/contribution for all workers</li> <li>• Provides adequate training on safety measures/personnel protective equipment</li> <li>• Undertakes remedial measures as directed by relevant authorities (DOSH and FDS) following their inspection</li> <li>• Submits appropriate report to DOSH / Department of Labour in a timely manner as required</li> <li>• Reports to: <ul style="list-style-type: none"> <li>○ SOCSO</li> <li>○ DOSH and</li> <li>○ Department of Labour</li> </ul> </li> </ul> <p>on accidents related to employment immediately</p> <ul style="list-style-type: none"> <li>• Maintains monthly records of contribution to SOCSO</li> <li>• Maintains records of worker's training on safety and health showing what training was conducted, who attended and any certificates were awarded</li> <li>• Ensure adequate precaution for worker's safety in the event of fire or other accidents</li> </ul>		
Legislative Reference	<ul style="list-style-type: none"> <li>• Occupational Safety and Health Act 1994 [Section 15]</li> <li>• Labour Ordinance [Sabah Cap 67]</li> <li>• Workmen's Compensation Act 1952 (Act 273)</li> <li>• Employee's Social Security Act 1969</li> </ul>		
Responsibility	<ul style="list-style-type: none"> <li>• Department of Occupational Safety and Health (DOSH)</li> <li>• Department of Labour (DoL)</li> <li>• Social Security Organization (SOCSO)</li> </ul>		
Verification Procedure	<p><u>DOSH</u></p> <ol style="list-style-type: none"> <li>Undertakes inspection at intervals of 15 months and submits inspection report to mill operator</li> <li>Depending on the severity of non-compliances, may issue the following: <ul style="list-style-type: none"> <li>• Letter of Warning</li> <li>• Notice of Improvement</li> <li>• Notice of Prohibition</li> </ul> </li> <li>Conducts additional inspection to determine remedial actions taken by the employer and may revoke the notice issued if the remedial actions undertaken are found to be satisfactory</li> </ol> <p>Frequency: Inspection is carried out once in 15 months for all mills. Follow-up inspection is made after the issuance of the Letter of Warning/Notice. In addition, random inspection will also be carried out as and when necessary.</p> <p><u>SOCSO</u></p> <ol style="list-style-type: none"> <li>Makes periodical inspections to all registered employers to ensure their compliance as required under the Act. There is a report for each inspection together with follow-up action</li> <li>Conducts investigation on reported accidents if necessary based on the nature of the accident and the investigation takes place immediately</li> <li>Ensures social security coverage for all local workers who are employed under Contract of Service, for contingencies such as employment injury and invalidity. The Employment Injury Insurance Scheme provides coverage for all accidents and occupational diseases related to employment</li> <li>Receives reports from employers on all accidents and occupational diseases related to employment</li> <li>Investigates the accident reports from employers as necessary and determines the necessary compensation within the Framework of ESSA 1969</li> <li>Provides coverage under the Invalidity Pension Scheme for employees suffering from invalidity due to any cause, illness or death (to beneficiary) not related to employment .</li> </ol> <p>Frequency: Inspection is made periodically.</p> <p><u>Department of Labour (DoL)</u></p> <ol style="list-style-type: none"> <li>Ensures employers insure every foreign workers employed in accordance with the provisions under Workmen's Compensation Act 1952</li> <li>Holds inquiry on accidents and whether any workman has been injured and whether any compensation payable under Workmen's Compensation Act 1952 is being paid</li> </ol> <p>Frequency: Inspections are done based on regular basis or based on complaints received.</p>		
Output	<ul style="list-style-type: none"> <li>• Records of work instructions, training, insurance and accidents</li> <li>• Audit report from DOSH</li> <li>• SOCSO inspection report</li> <li>• Inspection report by DoL</li> </ul>		
ISO Reference	-		

Table 18

Region	SABAH	Sources of timber	PF, SL, AL & Imp
<b>Principle 6</b>	Trade and Customs		
<b>Criterion</b>	<p>Export Regulations</p> <p>A company intending to export timber declares timber to be exported to the District Forestry Officer with valid export permit or annual export licence with supporting documents.</p>		
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>Customs Act 1967, Customs (Prohibition of Export) Order 2008</li> <li>Forest Enactment 1968 [Section 42(b), 42(c)(i)]</li> <li>Forest Rules 1969, Rule 17(1) &amp; 17(A) (1)</li> </ul>		
<b>Responsibility</b>	<ul style="list-style-type: none"> <li>Sabah Forestry Department (FDS)</li> <li>Royal Malaysian Customs (RMC)</li> </ul>		
<b>Verification Procedure</b>	<ol style="list-style-type: none"> <li>District Forestry Officer (DFO) verifies the following prior to approval and issuance of an export licence:               <ul style="list-style-type: none"> <li>Timber to be exported is obtained from a licenced timber concession area or legal tree plantation source in the case of planted timber/a licensed wood manufacturing mill.</li> <li>Validity of permit or annual licence.</li> <li>Details of export declaration;</li> <li>Supporting documents such as Log summary, Sales Contract, Invoice, Packing List, Borang EIS 1/2000 (declaration of name of wood manufacturer where processed timber was sourced) and CITES Permit, where applicable;</li> <li>Receipt of royalty payment and other fees (for logs, sawn timber, veneer, plywood and moulding (not applicable to planted timber from SL and AL and other products not mentioned herein);</li> </ul> </li> <li>Ranger/Forester conducts 10% physical inspection on the consignment to be exported and submits inspection report to the DFO.</li> <li>District Forestry Officer upon satisfaction of the field inspection report approves application and endorses Customs Document (CD2) and stamp CD2 For with "approved shipment with details of product and royalty payment"</li> <li><b>[ Additional FLEGT Licence will be issued for shipment to the EU ].</b></li> <li>DFO records export data in <i>the Sistem Jualan Hasil Hutan (SJHP)</i>.</li> <li>The Royal Malaysian Customs clears consignment for export.</li> </ol> <p>Frequency: The above procedures apply to all consignments of export</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>Export Licence</li> <li>Inspection reports</li> <li>Endorsed/Export Approval Stamped on CD2 Form</li> <li>Export data</li> </ul>		
<b>ISO Reference</b>			

**Table 19– Bracketed (under MTIB)subject to change.**

Region	SABAH	Sources of timber	Imp
<b>Principle 6</b>	Trade and Customs		
<b>Criterion</b>	<p>Import Regulations</p> <ul style="list-style-type: none"> <li>• Import of logs from certain countries is prohibited based on phytosanitary requirements as specified by the Department of Agriculture.</li> <li>• Company intending to import timber products which are subject to phytosanitary Requirements by DoA, is required to obtain an import permit from the Department of Agriculture</li> <li>• [Company intending to import Logs and Baulks (large scantlings and squares) is required to obtain an import licence from MTIB before Customs' clearance (using CD1 Form)]</li> <li>• Company intending to import timber products is required to obtain Customs' clearance (using CD1 Form) by Royal Malaysian Customs</li> <li>• Company intending to import must be registered with FDS as an importer.</li> <li>• Company intending to import timber products must request for inspection on the imported timber and obtain removal pass from FDS after payment of inspection fees.</li> </ul>		
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>• [Malaysian Timber Industry Board (Incorporation) (Amendment) Act 2010 [Sections 18A, 18B &amp; 20]</li> <li>• Customs Act 1967, Customs (Prohibition of Imports) Order 2008</li> <li>• Plant Quarantine Act 1976</li> <li>• Letter / circular on phytosanitary requirements from DoA.</li> <li>• The Fees Enactment, 1981 [The Fees (Forestry Department) Service of Inspection and Certification Order, 1999] .</li> <li>• Director of Forestry Circular: FD:05/2010.</li> </ul>		
<b>Responsibility</b>	<ul style="list-style-type: none"> <li>• Sabah Forestry Department (FDS)</li> <li>• [Malaysian Timber Industry Board (MTIB)]</li> <li>• Royal Malaysian Customs (RMC)</li> <li>• Department of Agriculture (DoA)</li> </ul>		
<b>Verification Procedure</b>	<p><u>[Import of logs and baulks]</u></p> <ol style="list-style-type: none"> <li>[MTIB evaluates the application based on the following:               <ul style="list-style-type: none"> <li>○ Application form detailing species, quantity and country of export</li> <li>○ Confirmation of Contract/Sale and Purchase Agreement (for timber from specified countries) by Malaysian Embassy or trade office, or other recognised bodies from country of export</li> <li>○ Registration Certificate from Companies Commission of Malaysia (CCM)</li> </ul> </li> <li>For the issuance of import licence, MTIB checks and verifies the following:               <ul style="list-style-type: none"> <li>○ Invoice, bill of lading, Certificate of Origin (COO)</li> <li>○ Customs Declaration Form for import (Form CD1)</li> </ul> </li> <li>DoA inspects consignment for compliance to phytosanitary requirements</li> <li>MTIB conducts physical inspection of consignment against import declaration to verify compliance and issues import licence (JK69) for Customs' clearance]</li> </ol> <p><u>[Import of other timber products]</u></p> <ol style="list-style-type: none"> <li>DoA inspects consignment for compliance to phytosanitary requirements</li> <li>Company submits CD1 Form to RMC for Customs' clearance]</li> </ol> <p>FDS inspects imported timber and verifies the following prior to issuance of Removal Pass:</p> <ul style="list-style-type: none"> <li>• Log Summary/Packing List/invoice.</li> <li>• Sales Contract/Sale and Purchase Contract.</li> <li>• Customs Declaration Form for import (Form CD1)</li> <li>• Payment of Inspection Fees to FDS.</li> <li>• Imported timber recorded by FDS.</li> </ul> <p>Frequency: The above procedures applies to all consignments of import</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>• [Import licence for logs and baulks issued by MTIB]</li> <li>• Import clearance ( CD1 Form)</li> <li>• [Physical inspection reports for logs and baulks by MTIB]</li> <li>• Phytosanitary certificates</li> <li>• Inspection report by FDS.</li> <li>• Records of Import Timber Data.</li> </ul>		
<b>ISO Reference</b>	MS ISO 9001:2008 PK (P) – MTIB – PERMIT IMPORT - 05 (PROCESS OF IMPORT LICENCE)		

**Table 20 [Bracketed-subject to change]**

<b>Region</b>	<b>SABAH</b>	<b>Sources of timber</b>	<b>Imp</b>
<b>Principle 6</b>	Trade and Customs		
<b>Criterion</b>	<p>Transportation of imported logs, sawn timber and veneer.</p> <ul style="list-style-type: none"> <li>• Importer of logs/sawn timber/veneer applies to the nearest DFO to inspect the consignment of imported logs/sawn timber/veneer and pays inspection fees.</li> <li>• FDS inspects consignment and applies Revenue Hammer mark before issuance of removal pass to cover transportation from the port of entry to the designated mill(s).</li> </ul>		
<b>Legislative Reference</b>	Director of Forestry Circular: FD: 05/2010.		
<b>Responsibility</b>	Sabah Forestry Department (FDS)		
<b>Verification Procedure</b>	<ul style="list-style-type: none"> <li>i. FDS inspects and verifies the consignment against log/ sawn timber/veneer import documents ([import licence issued by MTIB] CD1).</li> <li>ii. FDS inspects and marks Inspection Hammer Mark on imported timber.</li> <li>iii. FDS issues receipt of payment for <del>an</del> inspection of imported timber.</li> <li>iv. FDS records imported timber.</li> <li>v. FDS marks the imported timber with Revenue Hammer Mark and issues Removal Pass after payment of inspection fee.</li> </ul> <p>Frequency: The verification procedure applies to all consignments of imported logs, sawn timber and veneer.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>• Importer's Copy of Removal Pass</li> <li>• Copies of Removal Pass (at the Mill and DFO's Office)</li> <li>• Receipt of payment of Inspection Fees on Imported Timber</li> <li>• Monthly records of imported timber</li> </ul>		
<b>ISO Reference</b>	-		

**Table 21 ([Bracketed-subject to change])**

Region	Sabah	Sources of timber	PF, SL , AL & Imp
<b>Principle 6</b>	Trade and Customs		
<b>Criterion</b>	<p>Timber from Sarawak [&amp; Labuan]  Company operating in Sabah ensures that no timber brought in from Sarawak [and Labuan] are included in export consignments to be shipped to the EU.</p> <ul style="list-style-type: none"> <li>• Company submits Customs Declaration form (CD3) to Sabah Forestry Department and requests for physical inspection upon arrival of timber</li> <li>• Company maintains records of buyers, sales and distribution of timber from Sarawak [and Labuan] and timber products manufactured using such timber</li> <li>• Timber exporter to EU must declare that the products exported to EU do not contain or include any timber sourced from Sarawak [and Labuan].</li> </ul>		
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>• Customs Act 1967.</li> <li>• The Fees Enactment, 1981 [The Fees (Forestry Department) Service of Inspection and Certification Order, 1999].</li> <li>• Director of Forestry Circular, FD05/2010.</li> <li>• Plant Quarantine Act 1976</li> </ul>		
<b>Responsibility</b>	<ul style="list-style-type: none"> <li>• Sabah Forestry Department (FDS)</li> <li>• Royal Malaysian Customs (RMC)</li> <li>• Department of Agriculture (DoA)</li> </ul>		
<b>Verification Procedure</b>	<p><u>Forestry Department Sabah</u></p> <ul style="list-style-type: none"> <li>i. Inspects consignment.</li> <li>ii. Collects Inspection Fees and makes an endorsement on CD3</li> <li>iii. Records "import" data and name of mill utilizing Sarawak [&amp; Labuan] timber.</li> <li>iv. Conducts random checks to ensure that companies buying timber from Sarawak [and Labuan] maintain records of buyers, sales and distribution of timber sourced from Sarawak [and Labuan] as well as timber products manufactured using such timbers.</li> <li>v. Conducts random checks on companies to ensure that timber sourced from Sarawak [and Labuan] as well as timber products manufactured using such timbers will not be included in the shipments to the EU</li> </ul> <p><u>DoA</u></p> <ul style="list-style-type: none"> <li>i. Inspects logs upon arrival for compliance with phytosanitary requirements.</li> </ul> <p><u>RMC</u></p> <ul style="list-style-type: none"> <li>i. Release of consignments for free circulation in Sabah upon endorsement of CD3 by Sabah Forestry Department.</li> </ul> <p>Frequency: The above procedures applies to all timber brought in from Sarawak [and Labuan] into Sabah.</p>		
<b>Output</b>	<ul style="list-style-type: none"> <li>• CD3 Forms endorsed by Sabah Forestry Department</li> <li>• Records of buyers, sales and distribution of Sarawak timber</li> <li>• Records of Sabah Forestry Department's approvals, inspections and random checks</li> <li>• Declaration by timber exporter on Sarawak [and Labuan] timber</li> </ul>		
<b>ISO Reference</b>			

### Annex 3: Plates



Dr. John Tay (UMS) and Mr. Fredrick Kugan (SFD) facilitating the consultation meeting.



Introduction to Sabah TLAS session



Dr. Freezailah of MTCC providing brief updates on the Malaysia VPA negotiation.



Mr. Chia of STIA posing questions to the SFD.



Mr. Roslan Junaidi facilitating the Sabah TLAS revision.



Mr. Andurus Abi facilitating the Sabah TLAS revision with the amendment being done before the stakeholders.



Participant voicing their concern on the Sabah TLAS document.



Mr. Frederick Kugan briefed the participants on the next step.